

Remarks:

Reconsideration of the application is respectfully requested. In the previous Office Action, the examiner rejected claims 1 and 2 under 35 U.S.C. 103(a) based upon patents to Lee and Chun. To establish a *prima facie* case of obviousness, the examiner must establish, *inter alia*, that the references *teach or suggest* all claim limitations. M.P.E.P. § 2143.03. (Emphasis added). In applying 35 U.S.C. 103, the following factors should be considered:

1. The claimed invention must be considered as a whole;
2. The references must be considered as a whole and must suggest the *desirability* and thus the obviousness of making the combination;
3. The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention, and;
4. Reasonable expectation of success is the standard with which obviousness is determined. M.P.E.P. § 2141, citing *Hodosh v. Block Drug Co., Inc.*, 786 F.2d 1136, 1143 (Fed. Cir. 1986).

A statement that modifications of the prior art were well within the ordinary skill of the art because the references cited teach that all of the features are individually known does not establish a *prima facie* case of obviousness *without some objective reason to combine the teachings of the references*. (Emphasis added). M.P.E.P. § 2143.01, citing *Ex Parte Levengood*, 28 U.S.P.Q. 2d 1300 (B.P.A. I. 1993). The fact that the prior art could be modified in a manner suggested by the examiner did not make modification obvious unless prior art suggested the desirability of the modification. *In re Fritch*, 972 F.2d 1260 (Fed. Cir. 1992).

The differences between the device of Lee and the claimed invention were noted in the

original specification. In order to display the output of a side video camera, a user must activate a turn signal. However, only the side camera corresponding to the direction of the activated turn signal is displayed. Otherwise, the driver can only view the output of the rear camera. Additionally, the system employs a single video display limiting the driver to a single view at any given time. Finally, the system includes no warning system for alerting the driver of an approaching vehicle in the event the approaching vehicle is outside the viewing range of the cameras.

In rejecting claims 1 and 2 in the detailed action, the examiner states that Lee discloses all of the features but for a pair of video displays mounted within the vehicle passenger compartment....each of the cameras in discrete communication with a designated display. New claim 6 however contains the additional limitation that each of the cameras in combination with the microprocessor **continuously** transmits images to each corresponding display unit. The continuous display of the peripheral images is not possible with the device of Lee.

The examiner further notes that Lee and Chun discuss the use of split screens or picture-in-picture screens for displaying outputs from multiple cameras. Such disclosure actually teaches away from the claimed invention in that the references seek to eliminate multiple display screens for various reasons as stated in the disclosure. A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention.

W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). However, "the prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed...." *In re*

Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004). M.P.E.P. §2141.02. The references cited clearly criticize and discredit the use of multiple displays each associated with a designated camera. For example, the patent to Chun provides that the object of the invention is to divisionally display “monitored areas photographed by a plurality of monitoring cameras on a single screen...” Column 1, lines 17-20. The document further describes the disadvantage associated with displaying the output of each of a plurality of multiple cameras on a designated monitor. Column 1, lines 23-26.

The multiple display and camera assembly of the present invention is critical to its function as a viewing system for a vehicle driver. When operating a motor vehicle, a driver must continuously monitor both sides of the vehicle and the rear. The device of Lee does not allow for such continuous monitoring; furthermore, the multiple displays of the claimed invention are designed to replace conventional rear and side view mirrors. The use of split screens, or picture-in-picture screens for monitoring the periphery of a moving vehicle would be distracting and impractical.

Not only do the above patents fail to disclose or suggest the claimed invention, the patent to Chun is within a non-analogous art. For example, in *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992), the applicant claimed an improvement in a hose clamp which differed from the prior art in the presence of a preassembly "hook" which maintained the preassembly condition of the clamp and disengaged automatically when the clamp was tightened. The Board relied upon a reference which disclosed a hook and eye fastener for use in garments, reasoning that all hooking problems are analogous. The court held the reference was not within the field of applicant's endeavor, and was not reasonably pertinent to the particular problem with

which the inventor was concerned because it had not been shown that a person of ordinary skill, seeking to solve a problem of fastening a hose clamp, would reasonably be expected or motivated to look to fasteners for garments. MPEP §2141.01(a). Likewise, an inventor looking to create a peripheral viewing system for a vehicle that replaces or supplements the rear and side view mirrors would not be expected or motivated to look to a closed-circuit-type TV premises monitor. The motivation is even further diminished by the fact that Chun actually seeks to eliminate multiple video displays. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). The prior art is devoid of any suggestion or teaching of multiple video cameras each in communication with a discrete display allowing continuous monitoring of the vehicle periphery.

Claims 3-5 directed toward the warning means was rejected based upon the aforementioned references in combination with the patent to Tsuchiya. The examiner states that Lee discloses the use of an alarm and Tsuchiya discloses a vehicle detection means. However, the examiner provides no explanation of how either reference discloses or suggests the claimed features. The applicant did not claim "the use of an alarm" and a vehicle detection means, but instead a **warning** means for **alerting** a driver of an approaching vehicle. The alarm of Lee is in fact the conventional vehicle security system that is in communication with the video monitor for recording images for a predetermined time period if the alarm is tripped. The alarm in no way relates to warning a driver of an approaching vehicle. The device of Tsuchiya includes a construction detection means for calculating positions of nearby objects using triangulation. The calculated distance is depicted on a display. The device in no way discloses or suggests a

warning system for alerting a driver of an approaching vehicle, particularly in combination with the claimed peripheral viewing system as set forth in the intervening claims. In fact, the cited references are devoid of many of the claimed features of the warning system, which the examiner did not address, inter alia, a *phototransistor mounted on each side of said vehicle, adjacent the rear thereof, each of said phototransistors electrically connected to said microprocessor means; an audible alarm means electrically connected to said microprocessor means for audibly alerting a driver if said phototransistors detect a trailing vehicle within a predetermined range of said vehicle* (claim 9) and a *turn signal switch means electrically connected to said microprocessor means for exclusively activating said audible alarm means if said trailing vehicle is within the predetermined range of said vehicle*. (Claim 10).

In addition, applicant is submitting additional claims directed toward features not previously claimed, i.e., wherein each of said cameras is encased within a contoured, aerodynamic housing to minimize wind drag, wherein one of said displays is positioned immediately adjacent a first side of the steering wheel and another of said displays is positioned immediately adjacent an opposing side of the steering wheel, and wherein said third camera is immediately adjacent a top edge of a rear window on the vehicle for replacing a conventional rear view mirror. For the foregoing reasons, applicant respectfully avers that the newly submitted claims are allowable in light of the references cited herein.

Respectfully submitted,



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